

(c) *Service.* A copy of a request for consequential damages or compensatory damages must be served on the other parties or their representatives when the request is made.

A party may file a pleading responding to the request within the time limit established by the judge or the Board, as applicable.

(d) *Addendum proceeding.* (1) A request for consequential damages or compensatory damages will be decided in an addendum proceeding.

(2) A judge may waive the requirement of paragraph (d)(1), either on his or her own motion or on the motion of a party, and consider a request for damages in a proceeding on the merits where the judge determines that such action is in the interest of the parties and will promote efficiency and economy in adjudication.

(e) *Initiation of addendum proceeding.* (1) A motion for initiation of an addendum proceeding to decide a request for consequential damages or compensatory damages must be filed as soon as possible after a final decision of the Board but no later than 60 days after the date on which a decision becomes final. Where the initial decision in the proceeding on the merits was issued by a judge in a MSPB regional or field office, the motion must be filed with the regional or field office that issued the initial decision. Where the decision in the proceeding on the merits was an initial decision issued by a judge at the Board's headquarters or where the only decision was a final decision issued by the Board, the motion must be filed with the Clerk of the Board.

(2) A copy of a motion for initiation of an addendum proceeding to decide a request for consequential damages or compensatory damages must be served on the other parties or their representatives at the time of filing. A party may file a pleading responding to the motion within the time limit established by the judge.

(f) *Hearing; applicability of subpart B.* The judge may hold a hearing on a request for consequential damages or compensatory damages and may apply appropriate provisions of subpart B of this part to the addendum proceeding.

(g) *Initial decision; review by the Board.* The judge will issue an initial

decision in the addendum proceeding, which shall be subject to the provisions for a petition for review by the Board under subpart C of this part.

(h) *Request for damages first made in proceeding before the Board.* Where a request for consequential damages or compensatory damages is first made on petition for review of a judge's initial decision on the merits and the Board waives the time limit for making the request in accordance with paragraph (a)(2) of this section, or where the request is made in a case where the only MSPB proceeding is before the 3-member Board, including, for compensatory damages only, a request to review an arbitration decision under 5 U.S.C. 7121(d), the Board may:

(1) Consider both the merits and the request for damages and issue a final decision;

(2) Remand the case to the judge for a new initial decision, either on the request for damages only or on both the merits and the request for damages; or

(3) Where there has been no prior proceeding before a judge, forward the request for damages to a judge for hearing and a recommendation to the Board, after which the Board will issue a final decision on both the merits and the request for damages.

(i) *EEOC review of decision on compensatory damages.* A final decision of the Board on a request for compensatory damages pursuant to the Civil Rights Act of 1991 shall be subject to review by the Equal Employment Opportunity Commission as provided under subpart E of this part.

#### § 1201.205 Judicial review.

A final Board decision under this subpart is subject to judicial review as provided under 5 U.S.C. 7703.

#### APPENDIX I TO PART 1201 [RESERVED]

#### APPENDIX II TO PART 1201—APPROPRIATE REGIONAL OR FIELD OFFICE FOR FILING APPEALS

All submissions shall be addressed to the Regional Director, if submitted to a regional office, or the Chief Administrative Judge, if submitted to a field office, Merit Systems Protection Board, at the addresses listed below, according to geographic region of the employing agency or as required by § 1201.4(d) of this part. The facsimile numbers listed

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below are TDD-capable; however, calls will be answered by voice before being connected to the TDD. Address of Appropriate Regional or Field Office and Area Served:

1. Atlanta Regional Office, 401 West Peachtree Street, N.W., 10th floor, Atlanta, Georgia 30308-3519, Facsimile No.: (404) 730-2767, (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).
2. Central Regional Office, 230 South Dearborn Street, 31st floor, Chicago, Illinois 60604-1669, Facsimile No.: (312) 886-4231, (Illinois; Indiana; Iowa; Kansas City, Kansas; Kentucky; Michigan; Minnesota; Missouri; Ohio; and Wisconsin).
- 2a. Dallas Field Office, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242-9979, Facsimile No.: (214) 767-0102, (Arkansas, Louisiana, Oklahoma, and Texas).
3. Northeastern Regional Office, U.S. Customhouse, Room 501, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106-2987, Facsimile No.: (215) 597-3456, (Delaware; Maryland—except the counties of Montgomery and Prince George's; New Jersey—except the counties of Bergen, Essex, Hudson, and Union; Pennsylvania; and West Virginia).
- 3a. Boston Field Office, 99 Summer Street, Suite 1810, Boston, Massachusetts 02110-1200, Facsimile No.: (617) 424-5708, (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).
- 3b. New York Field Office, 26 Federal Plaza, Room 3137-A, New York, New York 10278-0022, Facsimile No.: (212) 264-1417, (New Jersey—counties of Bergen, Essex, Hudson, and Union; New York; Puerto Rico; and Virgin Islands).
4. Washington Regional Office, 1800 Diagonal Road, Alexandria, Virginia 22314, Facsimile No.: (703) 756-7112, (Maryland—counties of Montgomery and Prince George's; North Carolina; Virginia; Washington, DC; and all overseas areas not otherwise covered).
5. Western Regional Office, 250 Montgomery Street, Suite 400, 4th floor, San Francisco, California 94104-3401, Facsimile No.: (415) 705-2945, (California and Nevada).
- 5a. Denver Field Office, 165 South Union Blvd., Suite 318, Lakewood, Colorado 80228-2009, Facsimile No.: (303) 969-5109, (Arizona, Colorado, Kansas—except Kansas City, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming).
- 5b. Seattle Field Office, 915 Second Avenue, Suite 1840, Seattle, Washington 98174-1056, Facsimile No.: (206) 220-7982, (Alaska, Hawaii, Idaho, Oregon, Washington, and Pacific overseas areas).

[61 FR 4586, Feb. 7, 1996, as amended at 65 FR 58902, Oct. 3, 2000; 66 FR 57841, Nov. 19, 2001]

**APPENDIX III TO PART 1201—APPROVED  
HEARING LOCATIONS BY REGIONAL  
OFFICE**

*Atlanta Regional Office*

Birmingham, Alabama  
Huntsville, Alabama  
Mobile, Alabama  
Montgomery, Alabama  
Jacksonville, Florida  
Miami, Florida  
Orlando, Florida  
Pensacola, Florida  
Tallahassee, Florida  
Tampa/St. Petersburg, Florida  
Atlanta, Georgia  
Augusta, Georgia  
Macon, Georgia  
Savannah, Georgia  
Jackson, Mississippi  
Charleston, South Carolina  
Columbia, South Carolina  
Chattanooga, Tennessee  
Knoxville, Tennessee  
Memphis, Tennessee  
Nashville, Tennessee

*Central Regional Office*

Chicago, Illinois  
Indianapolis, Indiana  
Davenport, Iowa/Rock Island, Illinois  
Des Moines, Iowa  
Lexington, Kentucky  
Louisville, Kentucky  
Detroit, Michigan  
Minneapolis/St. Paul, Minnesota  
Kansas City, Missouri  
Springfield, Missouri  
St. Louis, Missouri  
Cleveland, Ohio  
Cincinnati, Ohio  
Columbus, Ohio  
Dayton, Ohio  
Milwaukee, Wisconsin

*Dallas Field Office*

Little Rock, Arkansas  
Alexandria, Louisiana  
New Orleans, Louisiana  
Oklahoma City, Oklahoma  
Tulsa, Oklahoma  
Corpus Christi, Texas  
Dallas, Texas  
El Paso, Texas  
Houston, Texas  
San Antonio, Texas  
Temple, Texas  
Texarkana, Texas

*Northeastern Regional Office*

Dover, Delaware  
Baltimore, Maryland  
Trenton, New Jersey  
Harrisburg, Pennsylvania  
Philadelphia, Pennsylvania

## Merit Systems Protection Board

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Pittsburgh, Pennsylvania  
Wilkes-Barre, Pennsylvania  
Charleston, West Virginia  
Morgantown, West Virginia

### *Boston Field Office*

Hartford, Connecticut  
New Haven, Connecticut  
Bangor, Maine  
Portland, Maine  
Boston, Massachusetts  
Manchester, New Hampshire  
Portsmouth, New Hampshire  
Providence, Rhode Island  
Burlington, Vermont

### *New York Field Office*

Newark, New Jersey  
Albany, New York  
Buffalo, New York  
New York, New York  
Syracuse, New York  
San Juan, Puerto Rico

### *Washington Regional Office*

Washington, DC  
Asheville, North Carolina  
Charlotte, North Carolina  
Raleigh, North Carolina  
Jacksonville, North Carolina  
Bailey's Crossroads, Falls Church, Virginia  
Norfolk, Virginia  
Richmond, Virginia  
Roanoke, Virginia

### *Western Regional Office*

Fresno, California  
Los Angeles, California  
Sacramento, California  
San Diego, California  
San Francisco, California  
Santa Barbara, California  
Las Vegas, Nevada  
Reno, Nevada

### *Denver Field Office*

Phoenix, Arizona  
Tucson, Arizona  
Denver, Colorado  
Grand Junction, Colorado  
Pueblo, Colorado  
Wichita, Kansas  
Billings, Montana  
Great Falls, Montana  
Missoula, Montana  
Omaha, Nebraska  
Albuquerque, New Mexico  
Bismarck, North Dakota  
Fargo, North Dakota  
Rapid City, South Dakota  
Sioux Falls, South Dakota  
Salt Lake City, Utah  
Casper, Wyoming

### *Seattle Field Office*

Anchorage, Alaska

Honolulu, Hawaii  
Boise, Idaho  
Pocatello, Idaho  
Medford, Oregon  
Portland, Oregon  
Seattle, Washington  
Spokane, Washington  
Richland, Kennewick, and Pasco, Wash-  
ington

[61 FR 4586, Feb. 7, 1996]

### APPENDIX IV TO PART 1201—SAMPLE DECLARATION UNDER 28 U.S.C.1746

#### Declaration

I, \_\_\_\_\_, do hereby declare:  
I declare under penalty of perjury under  
the laws of the United States of America  
that the foregoing is true and correct.  
Executed on \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

## PART 1202—STATUTORY REVIEW BOARD

AUTHORITY: 5 U.S.C. 1204.

### § 1202.1 Designating Chairman of Stat- utory Review Board.

At the written request of the Depart-  
ment of Transportation, the Chairman  
of the Board will designate a presiding  
official of the Board to serve as the  
Chairman of any Board of Review es-  
tablished by the Secretary of Transpor-  
tation under 5 U.S.C. 3383(b) to review  
certain actions to remove air traffic  
controllers.

[54 FR 28658, July 6, 1989]

## PART 1203—PROCEDURES FOR RE- VIEW OF RULES AND REGULA- TIONS OF THE OFFICE OF PER- SONNEL MANAGEMENT

#### GENERAL

Sec.

1203.1 Scope; application of part 1201, sub-  
part B.

1203.2 Definitions.

#### PROCEDURES FOR REVIEW

1203.11 Request for regulation review.

1203.12 Granting or denying the request for  
regulation review.

1203.13 Filing pleadings.